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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,946	06/20/2006	David Cardamone	Q92488	7706
23373 7590 02/03/2010 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER SINGH, SUNIL				
ART UNIT 3672		PAPER NUMBER		
NOTIFICATION DATE 02/03/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/562,946

Applicant(s)

CARDAMONE ET AL.

Examiner

Sunil Singh

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (US 5607259) in view of Howard et al. (US 2148427).

Thomas et al. discloses a method for assembling a rack portion (see Fig. 2) of a self-raising oil rig (see Fig. 1), which rack portion is constituted by at least one rectangular plate (see Fig. 3) which comprises teeth (14) at the longitudinal lateral faces thereof and at least one reinforcement (13) in the form of a half-shell which is welded to a main face of the at least one rectangular plate, along the longitudinal edges (see Fig. 2) of the at least one reinforcement. Thomas et al. discloses the invention substantially as claimed. However, Thomas et al. lacks an internal chamfer and an external chamfer which are separated by a projection having thickness T are produced at each of the longitudinal edges of the at least one reinforcement and an internal weld bead having a connection radius R which is greater than or equal to 4 mm and the chamfers are filled at the external portion by an external weld bead which is produced in at least one pass with addition of metal. Howard et al. teaches an internal chamfer and an external chamfer (see Fig. 3) which are separated by a projection having thickness T are produced at

each of the longitudinal edges of the at least one reinforcement and an internal weld bead having a connection radius R and the chamfers are filled at the external portion by an external weld bead which is produced in at least one pass with addition of metal. It would have been considered obvious to one of ordinary skill in the art to modify Thomas et al. by substituting the welding arrangement as taught by Howard et al. for the welding arrangement disclosed by Thomas et al. in order to provide a quality weld.

With regards to the limitation that the "radius R is greater than or equal to 4mm", it would have been considered obvious to one of ordinary skill in the art to modify the weld bead to have a radius which is greater than or equal to 4 mm since such a parameter would provide adequate weld strength thus reducing the chance of breakage.

3. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al. (US 2198534) in view of Conrad (US 2093881).

Howard et al. discloses a device comprising a carriage (22) which carries at least one welding head and guiding means, the carriage being suspended on cables, and in that it comprises means for providing the at least one welding head with electrical power (see Fig. 1). Howard et al. discloses the invention substantially as claimed. However, Howard et al. is silent about including means for providing the at least one welding head with filler metal and welding flux. Conrad teaches means for providing the at least one welding head with filler metal and welding flux (see Fig. 1). It would have been considered obvious to one of ordinary skill in the art to modify Howard et al. to include filler metal and welding flux as taught by Conrad in order to provide a single welding apparatus.

Response to Arguments

4. Applicant's arguments filed 10/7/09 have been fully considered but they are not persuasive. Applicant argues that Thomas does not teach internal and external chamfers separated by a projection. The examiner agrees. The examiner is relying on Howard for such teachings. See Figure 3 of Howard where member 13 has internal and external chamfers separated by a projection. Applicant argues that it is not obvious to substitute the welding means of Howard for the welding means of Thomas since the welding means of Howard is less efficient than that of Thomas. While Thomas may teach one type of welding means it lends itself to many steps such a heat treatment at various temperatures. Therefore, it is obvious to one of ordinary skill in the art to modify Thomas by providing the welding means as taught by Howard to reduce the complexity involved by using the welding means disclosed by Thomas.

Applicant argues that there is no reasonable combination of Thomas and Howard that would meet the claimed device including a welding head (27), nozzle (28) and chamfer guide (29). It should be noted examiner never purported that Thomas or Howard teaches such features. The examiner relied on Conrad for such teaching. Conrad discloses a welding head (see Fig. 1), nozzle (12), chamfer guide (member 7 close to where member 6 is pointing in Figure 1).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sunil Singh/
Primary Examiner, Art Unit 3672

Sunil Singh
Primary Examiner
Art Unit 3672

SS

1/23/10